



The Internet & Television Association
25 Massachusetts Avenue, NW | Suite 100
Washington, DC 20001
(202) 222-2300

Rick Chessen
Chief Legal Officer
Senior Vice President, Legal & Regulatory Affairs
o (202) 222-2445 e rchessen@ncta.com

July 22, 2019

VIA ECFS

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Ex Parte, Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992, MB Docket No. 05-311

Dear Ms. Dortch:

On July 18, 2019, Rick Chessen and Radhika Bhat of NCTA – The Internet & Television Association; Tara Corvo of Mintz, on behalf of NCTA; Ryan Wallach of Comcast; David Murray of Willkie Farr & Gallagher LLP, on behalf of Comcast; Howard Symons of Jenner & Block LLP, on behalf of Charter; and Jennifer Prime of Cox met with Commissioner Brendan Carr, his advisor Evan Swarztrauber, and intern Francis Simmons to discuss the above-referenced proceeding.¹ On July 22, 2019, Messrs. Chessen and Swarztrauber also spoke by phone regarding the above-referenced proceeding.

We discussed the recently released *Draft Order* in this proceeding,² which would reaffirm the clear limits Congress established on state and local government authority over cable operators and cable systems. Consistent with prior filings in this proceeding, and particularly our July 18, 2019 *ex parte* letter,³ we sought clarification of the Commission’s proposed findings on in-kind assessments and the mixed-use rule, highlighting in particular the *Draft Order*’s discussion of PEG capital and operating costs, the application of the Commission’s guidance to

¹ *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992*, Second Further Notice of Proposed Rulemaking, 33 FCC Rcd. 8952 (2018) (“*Second FNPRM*”).

² *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992*, Draft Third Report and Order, FCC-CIRC1908-08 (rel. Jul. 11, 2019) (“*Draft Order*”).

³ NCTA – The Internet & Television Association *Ex Parte*, MB Dkt. No. 05-311 (filed Jul. 18, 2019).

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existing franchises, the facilities and equipment used to provide non-cable services, duplicative fees and authorizations, and the scope of preemption under the *Draft Order*.⁴

This letter is being filed electronically pursuant to Section 1.1206 of the Commission's rules. Please direct any questions to the undersigned.

Respectfully submitted,

/s/ Rick Chessen

Rick Chessen

CC: Brendan Carr
Evan Swarztrauber
Francis Simmons

⁴ See, e.g., Comments of NCTA – The Internet & Television Association, MB Dkt. No. 05-311, at 6-19, 46-48, 51-59 (filed Nov. 14, 2018); Reply Comments of NCTA – The Internet & Television Association, MB Dkt. No. 05-311, 21-22, 24-31, 34-35 (filed Dec. 14, 2018); NCTA – The Internet & Television Association *Ex Parte*, MB Dkt. No. 05-311, at 5-7 (filed Apr. 18, 2019); NCTA – The Internet & Television Association *Ex Parte*, MB Dkt. No. 05-311, at 1-3 (filed Apr. 19, 2019); NCTA – The Internet & Television Association *Ex Parte*, MB Dkt. No. 05-311, at 2-3 (filed Jul. 3, 2019); NCTA – The Internet & Television Association *Ex Parte*, MB Dkt. No. 05-311 (filed Jul. 18, 2019).